

New Jersey Militia

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Testimony before the Senate Law and Public Safety Committee

March 14, 1996

The New Jersey Militia is adamantly opposed to the civil asset forfeiture statute. "All political power is inherent in the people," according to Art I, Sect. 2 of the New Jersey constitution. Yet the forfeiture statute places all power in the hands of the state.

Property is an aggregate of rights which are guaranteed and protected by the government. Yet the civil asset forfeiture statute in one blow has destroyed those rights. Property is an extension of men's faculties; it is the substance on which his life depends. If his property is taken from him his very life is in jeopardy.

The forfeiture statute makes a mockery of justice. Even if a person is never charged with a crime, or if charged, is found innocent, the prosecutor is not bound to return the forfeited property. "The fact that a prosecution involving seized property terminates without a conviction does not preclude forfeiture proceedings against the property." (N.J.S.A. 2C:64-4(b)) As a result people have lost their cars, their houses and their life savings.

Honorable senators, let me ask you:

How can people get to work without a car?

Where will they live without a house?

How can they retire without life savings?

Protection from arbitrary government power has been taken from us by legal tricksters who seize our property by denying us our rights to a grand jury proceeding and trial by jury, as guaranteed by Art. I, Sec. 8 and 9 of the N.J. constitution. In the fevered brain of the legal profession the individual is not on trial, his property is; and of course property is not entitled to trial by jury.

The forfeiture statute has led to outrageous abuses. In one case (reported by the *Asbury Park Press*, Aug. 7, 1992) police and prosecutors seized \$60,000 in property from the parents of a doctor accused of practicing psychiatry without a license. The police drove a Freehold woman's car for a year and after she spent \$1000 in attorney's fees to get it back it cost her another \$1000 to repair it. In other instances police have seized cash allegedly tainted with cocaine, though numerous studies have shown that more than 80% of our currency has traces of cocaine (The *Pittsburgh Press*, Aug. 11-16, 1991). And, according to the June 22, 1992, *NJ Law Journal* one county prosecutor alone seized 400 cars during a two month period in 1991. The cars were then sold back to the owners at about 50 cents on the dollar.

But what becomes of the millions of dollars of cash and property seized under this statute? The answer sheds light on one of the most disturbing facets of this twisted law. The proceeds go to the prosecutor and police who assisted in the seizure, thereby providing them with a perverse incentive to seize even more property. The attorney general has even boasted

that some of the money is used to train state police recruits. What kind of message is sent to young troopers when their training is paid for with funds unjustly confiscated?

Of course law enforcement is not entirely to blame. After all, the legislature enacted the bill and the governor signed it into law. Nonetheless if the legislature wishes to restore to New Jersey justice and respect for the law the outright repeal of the civil asset forfeiture statute would be an excellent place to start.

We demand to know today before the people of this state, are we still living under the protection as provided by the U.S. and N.J. constitutions and Bill of Rights, the very documents that were paid for in blood not far from where we assemble today and which you took a solemn oath before God and man to uphold, or have our constitutions been suspended so that we are living under arbitrary power such as is evidenced by the forfeiture statute?